

HOUSE BILL 295

Unofficial Copy
E4

2004 Regular Session
4lr0038
CF 4lr0099

By: **The Speaker and the Minority Leader (By Request - Administration)**
and Delegates Edwards, Amedori, Anderson, Barkley, Bates, Boschert,
Bronrott, Burns, Dumais, Dwyer, Eckardt, Elmore, Frank, Gutierrez,
Hammen, Hennessy, Kelley, Kelly, King, Krebs, Leopold, Madaleno,
Marriott, McComas, McKee, Menes, Miller, Moe, Myers,
Nathan-Pulliam, Oaks, O'Donnell, Petzold, Shank, Simmons,
Sophocleus, Stull, Vallario, Weldon, and Zirkin

Introduced and read first time: January 27, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Substance Abuse - Parole - Civil Commitment - Diversion**

3 FOR the purpose of requiring the Parole Commission to consider certain reports
4 relating to drug and alcohol use when considering suitability for parole under
5 certain circumstances; establishing procedures for certain criminal defendants
6 to receive certain dispositions in certain criminal cases under certain
7 circumstances; establishing a certain fee; requiring certain dispositions in
8 criminal cases to be entered in certain State records; altering procedures
9 relating to evaluation and treatment of criminal defendants for drug and alcohol
10 abuse under certain circumstances; requiring certain evaluations be conducted
11 in a certain manner; authorizing a court to order certain evaluations under
12 certain circumstances; authorizing a court to order certain treatment that the
13 Department of Health and Mental Hygiene or its local designee considers
14 necessary under certain circumstances; requiring that a defendant ordered to
15 treatment be supervised in a certain manner; establishing the Maryland
16 Substance Abuse Fund to be used for evaluation and treatment of criminal
17 defendants for certain drug or alcohol abuse problems; establishing certain
18 procedures relating to the Fund and money received by the Fund; requiring
19 counties to establish a local drug and alcohol council; establishing the
20 membership of the council; establishing certain procedures; requiring local
21 plans consisting of certain matters concerning drug and alcohol treatment;
22 providing for the staggering of the terms of certain members of a local drug and
23 alcohol council; providing for the effective dates of this Act; and generally
24 relating to drug and alcohol treatment.

25 BY repealing and reenacting, with amendments,
26 Article - Correctional Services
27 Section 7-305
28 Annotated Code of Maryland

1 (1999 Volume and 2003 Supplement)

2 BY adding to

3 Article - Criminal Procedure

4 Section 6-229

5 Annotated Code of Maryland

6 (2001 Volume and 2003 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Procedure

9 Section 10-105

10 Annotated Code of Maryland

11 (2001 Volume and 2003 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article - Health - General

14 Section 8-505 through 8-507, inclusive

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2003 Supplement)

17 BY adding to

18 Article - Health - General

19 Section 8-6A-01 to be under the new subtitle "Subtitle 6A. Maryland Substance

20 Abuse Fund"; and 8-1001 to be under the new subtitle "Subtitle 10. Local

21 Drug and Alcohol Councils"

22 Annotated Code of Maryland

23 (2000 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article - Transportation

26 Section 16-117 and 16-117.1

27 Annotated Code of Maryland

28 (2002 Replacement Volume and 2003 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article - Correctional Services**

32 7-305.

33 Each hearing examiner and commissioner determining whether an inmate is

34 suitable for parole, and the Commission before entering into a predetermined parole

35 release agreement, shall consider:

- 1 (1) the circumstances surrounding the crime;
- 2 (2) the physical, mental, and moral qualifications of the inmate;
- 3 (3) the progress of the inmate during confinement, including the
4 academic progress of the inmate in the mandatory education program required under
5 § 22-102 of the Education Article;
- 6 (4) A REPORT ON A DRUG OR ALCOHOL EVALUATION ORDERED BY THE
7 COMMISSION THAT HAS BEEN CONDUCTED UNDER REGULATIONS OF THE ALCOHOL
8 AND DRUG ABUSE ADMINISTRATION, INCLUDING ANY RECOMMENDATIONS
9 CONCERNING THE INMATE'S AMENABILITY FOR TREATMENT AND THE AVAILABILITY
10 OF AN APPROPRIATE TREATMENT PROGRAM;
- 11 [(4)] (5) whether there is reasonable probability that the inmate, if
12 released on parole, will remain at liberty without violating the law;
- 13 [(5)] (6) whether release of the inmate on parole is compatible with the
14 welfare of society;
- 15 [(6)] (7) an updated victim impact statement or recommendation
16 prepared under § 7-801 of this title;
- 17 [(7)] (8) any recommendation made by the sentencing judge at the time
18 of sentencing;
- 19 [(8)] (9) any information that is presented to a commissioner at a
20 meeting with the victim; and
- 21 [(9)] (10) any testimony presented to the Commission by the victim or the
22 victim's designated representative under § 7-801 of this title.

23 **Article - Criminal Procedure**

24 6-229.

25 (A) THIS SECTION DOES NOT APPLY TO A PERSON CHARGED WITH A VIOLENT
26 CRIME AS DEFINED UNDER § 7-101 OF THE CORRECTIONAL SERVICES ARTICLE OR
27 WITH A VIOLATION OF § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628 OF THE
28 CRIMINAL LAW ARTICLE.

29 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

30 (1) A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL
31 TREATMENT SHALL BE CONSIDERED A NOLLE PROSEQUI UNDER THE MARYLAND
32 RULES; AND

33 (2) A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
34 TREATMENT SHALL BE CONSIDERED A STET UNDER THE MARYLAND RULES,
35 INCLUDING PROVISIONS FOR RESCHEDULING A TRIAL.

1 (C) (1) THE STATE'S ATTORNEY MAY MAKE AN OFFER TO A DEFENDANT
2 THAT IF THE DEFENDANT QUALIFIES FOR DRUG OR ALCOHOL TREATMENT THE
3 STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY ENTERING A NOLLE PROSEQUI
4 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR MOVE THAT THE
5 COURT INDEFINITELY POSTPONE TRIAL OF THE CHARGE BY MARKING THE CHARGE
6 STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE
7 DOCKET.

8 (2) IN ORDER TO QUALIFY FOR A NOLLE PROSEQUI WITH THE
9 REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE
10 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, A DEFENDANT SHALL BE
11 EVALUATED FOR DRUG OR ALCOHOL ABUSE UNDER REGULATIONS OF THE ALCOHOL
12 AND DRUG ABUSE ADMINISTRATION AND THE EVALUATION SHALL DETERMINE
13 WHETHER THE DEFENDANT IS AMENABLE TO TREATMENT AND, IF SO, RECOMMEND
14 AN APPROPRIATE TREATMENT PROGRAM.

15 (3) THE DRUG OR ALCOHOL TREATMENT PROGRAM SHALL BE
16 APPROVED UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE
17 ADMINISTRATION.

18 (4) IF A DEFENDANT QUALIFIED UNDER THIS SECTION ACCEPTS AN
19 OFFER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

20 (I) THE DEFENDANT SHALL SIGN A WAIVER OF ANY RIGHTS THE
21 DEFENDANT MAY HAVE UNDER LAW PROHIBITING DISCLOSURE OF RECORDS OF
22 TREATMENT, THEREBY ALLOWING THE DISCLOSURE OF THE DISPOSITION OF NOLLE
23 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
24 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT TO CRIMINAL
25 JUSTICE UNITS; AND

26 (II) THE STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY
27 ENTERING A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL
28 TREATMENT OR MOVE THAT THE COURT INDEFINITELY POSTPONE TRIAL OF THE
29 CHARGE BY MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR
30 ALCOHOL ABUSE TREATMENT ON THE DOCKET.

31 (D) (1) (I) A DEFENDANT WHO HAS RECEIVED A DISPOSITION OF NOLLE
32 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
33 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT MAY NOT
34 RECEIVE A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
35 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
36 ABUSE TREATMENT FOR CHARGES AGAINST THE DEFENDANT ARISING FROM A
37 SEPARATE INCIDENT THAT ARE NOT RESOLVED IN THE SAME PROCEEDING.

38 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT THE
39 STATE'S ATTORNEY OR THE COURT FROM ENTERING ANY OTHER APPROPRIATE
40 DISPOSITION IN A PROCEEDING, INCLUDING A DISPOSITION OF NOLLE PROSEQUI OR
41 STET IN ACCORDANCE WITH THE MARYLAND RULES, PROVIDED THAT THE
42 DISPOSITION IS NOT NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR

1 ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
2 ABUSE TREATMENT.

3 (2) IN THE MANNER PROVIDED BY LAW, A CLERK OF THE COURT SHALL
4 TRANSMIT A DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG
5 OR ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
6 ABUSE TREATMENT FOR ENTRY INTO THE APPROPRIATE CRIMINAL RECORDS AND
7 MOTOR VEHICLE RECORDS AS PROVIDED BY LAW.

8 (E) (1) IN ADDITION TO ANY OTHER FEES, FINES, OR COSTS, UNLESS THE
9 COURT MAKES A FINDING ON THE RECORD THAT A DEFENDANT IS UNABLE BY
10 REASON OF INDIGENCY TO PAY THE COSTS, A PERSON WHO RECEIVES A DISPOSITION
11 OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT
12 OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT SHALL
13 PAY TO THE COURT AN ADMINISTRATIVE FEE OF \$150.

14 (2) THE FEE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
15 SHALL BE PAID INTO THE MARYLAND SUBSTANCE ABUSE FUND UNDER § 8-6A-01 OF
16 THE HEALTH - GENERAL ARTICLE.

17 10-105.

18 (a) A person who has been charged with the commission of a crime, including
19 a violation of the Transportation Article for which a term of imprisonment may be
20 imposed, may file a petition listing relevant facts for expungement of a police record,
21 court record, or other record maintained by the State or a political subdivision of the
22 State if:

23 (1) the person is acquitted;

24 (2) the charge is otherwise dismissed;

25 (3) a probation before judgment is entered, unless the person is charged
26 with a violation of § 21-902 of the Transportation Article or Title 2, Subtitle 5 or §
27 3-211 of the Criminal Law Article;

28 (4) a nolle prosequi OR NOLLE PROSEQUI WITH THE REQUIREMENT OF
29 DRUG OR ALCOHOL TREATMENT is entered;

30 (5) the court indefinitely postpones trial of a criminal charge by marking
31 the criminal charge "stet" OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL
32 ABUSE TREATMENT on the docket;

33 (6) the case is compromised under § 3-207 of the Criminal Law Article;

34 (7) the charge was transferred to the juvenile court under § 4-202 of this
35 article; or

36 (8) the person:

1 (i) is convicted of only one criminal act, and that act is not a crime
2 of violence; and

3 (ii) is granted a full and unconditional pardon by the Governor.

4 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
5 person shall file a petition in the court in which the proceeding began.

6 (2) If the proceeding began in one court and was transferred to another
7 court, the person shall file the petition in the court to which the proceeding was
8 transferred.

9 (3) (i) If the proceeding in a court of original jurisdiction was appealed
10 to a court exercising appellate jurisdiction, the person shall file the petition in the
11 appellate court.

12 (ii) The appellate court may remand the matter to the court of
13 original jurisdiction.

14 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
15 A petition for expungement based on an acquittal, a nolle prosequi, or a dismissal may
16 not be filed within 3 years after the disposition, unless the petitioner files with the
17 petition a written general waiver and release of all the petitioner's tort claims arising
18 from the charge.

19 (2) A petition for expungement based on a probation before judgment, A
20 NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A
21 STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT may not
22 be filed earlier than the later of:

23 (i) the date the petitioner was discharged from probation OR THE
24 REQUIREMENTS OF OBTAINING DRUG OR ALCOHOL ABUSE TREATMENT WERE
25 COMPLETED; or

26 (ii) 3 years after the probation was granted OR THE NOLLE
27 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET
28 WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT WAS ENTERED
29 ON THE DOCKET.

30 (3) A petition for expungement based on a full and unconditional pardon
31 by the Governor may not be filed later than 10 years after the pardon was signed by
32 the Governor.

33 (4) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
34 A petition for expungement based on a stet or a compromise under § 3-207 of the
35 Criminal Law Article may not be filed within 3 years after the stet or compromise.

36 (5) A court may grant a petition for expungement at any time on a
37 showing of good cause.

1 (d) (1) The court shall have a copy of a petition for expungement served on
2 the State's Attorney.

3 (2) Unless the State's Attorney files an objection to the petition for
4 expungement within 30 days after the petition is served, the court shall pass an order
5 requiring the expungement of all police records and court records about the charge.

6 (e) (1) If the State's Attorney files a timely objection to the petition, the
7 court shall hold a hearing.

8 (2) If the court at the hearing finds that the person is entitled to
9 expungement, the court shall order the expungement of all police records and court
10 records about the charge.

11 (3) If the court finds that the person is not entitled to expungement, the
12 court shall deny the petition.

13 (4) The person is not entitled to expungement if:

14 (i) the petition is based on the entry of probation before judgment,
15 a nolle prosequi, or a stet, INCLUDING A NOLLE PROSEQUI WITH THE REQUIREMENT
16 OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG
17 OR ALCOHOL ABUSE TREATMENT, or the grant of a pardon by the Governor; and

18 (ii) the person:

19 1. since the full and unconditional pardon or entry, has been
20 convicted of a crime other than a minor traffic violation; or

21 2. is a defendant in a pending criminal proceeding.

22 (f) Unless an order is stayed pending an appeal, within 60 days after entry of
23 the order, every custodian of the police records and court records that are subject to
24 the order of expungement shall advise in writing the court and the person who is
25 seeking expungement of compliance with the order.

26 (g) (1) The State's Attorney is a party to the proceeding.

27 (2) A party aggrieved by the decision of the court is entitled to appellate
28 review as provided in the Courts Article.

29 **Article - Health - General**

30 8-505.

31 (a) (1) Before or during a criminal trial or prior to sentencing, the court may
32 order the Department, THROUGH ITS LOCAL DESIGNEE, to evaluate a defendant to
33 determine whether, by reason of drug or alcohol abuse, the defendant is in need of and
34 may benefit from treatment if:

1 (i) It appears to the court that the defendant has an alcohol or drug
2 abuse problem; or

3 (ii) The defendant alleges an alcohol or drug dependency.

4 (2) The court shall set and may change the conditions under which the
5 examination is to be conducted.

6 (3) AN EVALUATION UNDER THIS SECTION SHALL BE CONDUCTED BY
7 THE LOCAL DESIGNEE OF THE DEPARTMENT IN ACCORDANCE WITH REGULATIONS
8 ADOPTED BY THE DEPARTMENT.

9 (b) Except in a capital case, on consideration of the nature of the charge, the
10 court:

11 (1) May require or permit an examination to be conducted on an
12 outpatient basis; and

13 (2) If an outpatient examination is authorized, shall set bail for the
14 defendant or authorize the release of the defendant on personal recognizance.

15 (c) (1) If a defendant is to be held in custody for examination under this
16 section:

17 (i) The defendant may be confined in a detention facility until the
18 [Department] LOCAL DESIGNEE OF THE DEPARTMENT is able to conduct the
19 examination; or

20 (ii) The court may order confinement of the defendant in a medical
21 wing or other isolated and secure unit of a detention facility, if the court finds it
22 appropriate for the health or safety of the defendant.

23 (2) (i) If the court finds that, because of the apparent severity of the
24 alcohol or drug dependency or other medical or psychiatric complications, a defendant
25 in custody would be endangered by confinement in a jail, the court may order the
26 Department, THROUGH ITS LOCAL DESIGNEE, to either:

27 1. Place the defendant, pending examination, in [a] AN
28 APPROPRIATE health care facility [that the Department designates as appropriate];
29 or

30 2. [Have local health department staff, or other qualified
31 personnel who the Department finds appropriate, immediately] IMMEDIATELY
32 conduct an evaluation of the defendant.

33 (ii) Unless the Department OR ITS LOCAL DESIGNEE retains a
34 defendant, the defendant shall be promptly returned to the court after an
35 examination.

1 [(iii) A defendant who is detained for an examination under this
2 section may question at any time the legality of the detention by a petition for a writ
3 of habeas corpus.]

4 (d) (1) If a court orders an evaluation under this section, the evaluator shall:

5 (i) Conduct an evaluation of the defendant; and

6 (ii) Submit a complete report of the evaluation within 7 days to the:

7 1. Court;

8 2. Administration; and

9 3. Defendant or the defendant's attorney.

10 (2) On good cause shown, the court may extend the time for an
11 evaluation.

12 8-506.

13 (a) (1) A court may [commit a defendant to the Department] ORDER A
14 DEFENDANT TO BE EVALUATED ON AN INPATIENT BASIS FOR DRUG OR ALCOHOL
15 ABUSE if:

16 (i) The court finds it is not clinically appropriate for the defendant
17 to be evaluated in a detention facility or an appropriate outpatient facility; [or]

18 (ii) After an INITIAL evaluation [in a detention facility or an
19 outpatient facility] CONDUCTED BY A LOCAL DESIGNEE OF THE DEPARTMENT IN
20 ACCORDANCE WITH DEPARTMENT REGULATIONS, the [Department] INITIAL
21 EVALUATION recommends a comprehensive inpatient evaluation of the defendant;
22 AND

23 (III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
24 DEPARTMENT CERTIFIES TO THE COURT THAT AN APPROPRIATE FACILITY IS EITHER
25 CURRENTLY, OR WITHIN A REASONABLE TIME WILL BE, AVAILABLE TO CONDUCT
26 THE EVALUATION.

27 (2) (I) [Before a court commits a defendant to the Department for
28 evaluation, the court shall consult with the Administration.] A DEFENDANT
29 ORDERED FOR EVALUATION UNDER THIS SECTION REMAINS IN THE LEGAL CUSTODY
30 OF THE COURT OR THE APPROPRIATE PRETRIAL RELEASE AGENCY OR
31 CORRECTIONAL FACILITY.

32 (II) A DEFENDANT WHO HAS NOT BEEN RELEASED PRIOR TO TRIAL
33 UNDER MARYLAND RULE 4-216 SHALL BE EVALUATED IN A SECURE FACILITY.

34 (3) IF AN APPROPRIATE EVALUATION FACILITY IS NOT AVAILABLE
35 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION:

1 (I) THE COURT MAY NOT REQUIRE THE DEPARTMENT OR A LOCAL
2 DESIGNEE OF THE DEPARTMENT TO TAKE CUSTODY OF THE DEFENDANT;

3 (II) A DEFENDANT SHALL BE HELD IN CUSTODY OR RELEASED
4 ACCORDING TO LAW AS ORDERED BY THE COURT; AND

5 (III) THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
6 DEPARTMENT SHALL PRESENT TO THE COURT A DATE BY WHICH THE EVALUATION
7 CAN BE CONDUCTED AND SHALL PROMPTLY NOTIFY THE COURT WHEN AN
8 APPROPRIATE EVALUATION FACILITY BECOMES AVAILABLE.

9 (b) The Department, ANOTHER FACILITY APPROVED BY THE DEPARTMENT,
10 OR A LOCAL DESIGNEE OF THE DEPARTMENT, shall provide the services required by
11 this section.

12 (c) The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall have
13 the obligation to [engage in reasonable efforts to] facilitate the PROMPT admission of
14 a defendant to an appropriate evaluation facility.

15 (d) [Unless the court allows the defendant to provide the defendant's own
16 transportation, on commitment or release of a defendant under this subtitle, the]
17 THE court shall [order]:

18 (1) ORDER transportation OF THE DEFENDANT TO AN EVALUATION by
19 law enforcement officials, detention center staff, DIVISION OF CORRECTION STAFF, or
20 sheriff's department staff within the local jurisdiction; AND

21 (2) PROVIDE FOR THE RETURN OF THE DEFENDANT TO A DESIGNATED
22 LOCATION ON COMPLETION OF THE EVALUATION.

23 (e) (1) A [commitment] COURT ORDER FOR AN EVALUATION under this
24 section shall not [be] REQUIRE AN EVALUATION for more than 7 days unless the
25 medical condition of a defendant warrants an extension of a maximum of 14 days.

26 (2) Except during the first 72 hours after [commitment] ADMISSION,
27 the Director or a designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE
28 DEPARTMENT, may terminate the [commitment] EVALUATION if the Director or the
29 designee determines that continued [commitment] EVALUATION:

30 (i) Is not in the best interest of an individual; or

31 (ii) Does not serve any useful purpose.

32 (f) (1) Before an individual is released from [commitment] AN
33 EVALUATION FACILITY under this section, the Director or a designee of the Director,
34 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall give the judge [that]
35 WHO ordered the [commitment] EVALUATION AND ANY CORRECTIONAL AGENCY TO
36 WHOM THE INDIVIDUAL IS COMMITTED notice of the proposed date and time of
37 release.

1 (2) ON COMPLETION OF THE EVALUATION, THE EVALUATION FACILITY
2 SHALL NOTIFY THE COURT AND THE DEFENDANT SHALL BE RETURNED IN
3 ACCORDANCE WITH THE PROVISIONS OF THE EVALUATION ORDER.

4 (g) In the event an individual [committed] ORDERED TO BE EVALUATED
5 under this section leaves an evaluation facility without authorization, the
6 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
7 limited to notification of the court that [committed the individual] ISSUED THE
8 ORDER as soon as it is reasonably possible.

9 8-507.

10 (a) If a court finds in a criminal case that a defendant has an alcohol or drug
11 dependency, AS PROVIDED IN THIS SECTION the court may [commit] ORDER the
12 defendant as a condition of release, after conviction, or at any other time the
13 defendant voluntarily agrees to treatment [to the Department for] TO PARTICIPATE
14 IN inpatient, residential, or outpatient treatment APPROVED BY THE DEPARTMENT
15 OR A LOCAL DESIGNEE OF THE DEPARTMENT.

16 (b) Before a court may [commit a defendant to the Department for] ORDER
17 treatment UNDER THIS SECTION, the court shall:

18 (1) Offer the defendant the opportunity to receive treatment; [and]

19 (2) Obtain the written consent of the defendant:

20 (i) To receive treatment; and

21 (ii) For the reporting of information back to the court; [and]

22 (3) [Consult with] ORDER AN EVALUATION OF THE DEFENDANT IN
23 ACCORDANCE WITH REGULATIONS ADOPTED BY the Administration; AND

24 (4) CONSIDER THE REPORT ON THE DEFENDANT'S EVALUATION.

25 (c) (1) [The] IF THE COURT ORDERS AN EVALUATION OF A DEFENDANT
26 FOR AN ALCOHOL OR DRUG DEPENDENCY, THE Department OR A LOCAL DESIGNEE
27 OF THE DEPARTMENT shall [provide the services required by this section]:

28 (I) ENSURE THAT THE EVALUATION IS CONDUCTED IN
29 ACCORDANCE WITH REGULATIONS ADOPTED BY THE ADMINISTRATION; AND

30 (II) REVIEW THE EVALUATION AFTER COMPLETION.

31 (2) IF THE EVALUATION REPORT RECOMMENDS TREATMENT, THE
32 REPORT SHALL:

33 (I) IDENTIFY SPECIFIC PROGRAMS CAPABLE OF PROVIDING THE
34 TREATMENT AS RECOMMENDED; AND

1 (II) IDENTIFY AN ACTUAL OR ESTIMATED DATE WHEN A FACILITY
2 CAN ADMIT THE DEFENDANT.

3 (D) (1) IF THE COURT AND THE DEPARTMENT OR A LOCAL DESIGNEE OF
4 THE DEPARTMENT CONSIDER TREATMENT TO BE APPROPRIATE AND NECESSARY,
5 THE COURT MAY ORDER THE DEFENDANT TO PARTICIPATE IN THE TREATMENT
6 RECOMMENDED BY THE DEPARTMENT OR A LOCAL DESIGNEE OF THE DEPARTMENT.

7 (2) A COURT MAY NOT ORDER THAT THE DEFENDANT BE DELIVERED
8 FOR TREATMENT:

9 (I) UNLESS THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
10 DEPARTMENT RECOMMENDS TREATMENT; AND

11 (II) UNTIL THE DEPARTMENT OR A LOCAL DESIGNEE OF THE
12 DEPARTMENT NOTIFIES THE COURT THAT AN APPROPRIATE TREATMENT PROGRAM
13 IS AVAILABLE TO ADMIT THE DEFENDANT.

14 [(d)] (E) The Department OR A LOCAL DESIGNEE OF THE DEPARTMENT shall
15 [engage in reasonable efforts to] facilitate the PROMPT admission of a defendant to
16 the appropriate treatment facility.

17 [(e)] (f) [Unless the court allows the defendant to provide the defendant's
18 own transportation, on commitment or release of a defendant under this subtitle, the]
19 THE court [shall] MAY order transportation OF THE DEFENDANT TO A TREATMENT
20 FACILITY by law enforcement officials, detention center staff, DIVISION OF
21 CORRECTION STAFF, or sheriff's department staff within the local jurisdiction.

22 (G) A COURT MAY ORDER A DEFENDANT TO PARTICIPATE IN TREATMENT
23 UNDER THIS SECTION ONLY:

24 (1) AS A CONDITION OF PRETRIAL RELEASE OR PROBATION OR A
25 SUSPENDED SENTENCE UNDER §§ 6-219 THROUGH 6-225 OF THE CRIMINAL
26 PROCEDURE ARTICLE; AND

27 (2) IF THERE IS NO CURRENT COMMITMENT FOR INCARCERATION IN
28 EFFECT.

29 (H) (1) IF A COURT ORDERS A DEFENDANT TO UNDERGO TREATMENT
30 UNDER THIS SECTION, THE COURT SHALL ORDER THE DEFENDANT TO BE
31 SUPERVISED:

32 (I) IF THE DEFENDANT IS RELEASED PRETRIAL, BY THE
33 APPROPRIATE PRETRIAL RELEASE AGENCY OR LOCAL CORRECTIONAL FACILITY
34 UNDER APPROPRIATE CONDITIONS IN ACCORDANCE WITH MARYLAND RULE 4-216;
35 OR

36 (II) IF THE COURT RELEASES THE DEFENDANT ON PROBATION, BY
37 THE DIVISION OF PAROLE AND PROBATION UNDER APPROPRIATE CONDITIONS IN

1 ACCORDANCE WITH §§ 6-219 THROUGH 6-225 OF THE CRIMINAL PROCEDURE ARTICLE
2 AND MARYLAND RULE 4-346.

3 (2) A DEFENDANT ORDERED TO TREATMENT UNDER THIS SECTION MAY
4 NOT BE CONSIDERED TO BE IN THE CUSTODY OF THE DEPARTMENT.

5 [(f)] (I) (1) A defendant's withdrawal of consent to treatment shall
6 CONSTITUTE A VIOLATION OF CONDITIONS OF RELEASE AND SHALL be promptly
7 reported to the court.

8 (2) The defendant shall be returned to the court [within 7 days] ON
9 ISSUANCE OF A WARRANT for further proceedings.

10 [(g)] A defendant who is committed for treatment under this section may
11 question at any time the legality of the commitment by a petition for a writ of habeas
12 corpus.]

13 [(h)] (J) (1) [A commitment] AN ORDER FOR TREATMENT under this section
14 shall be for at least 72 hours and not more than 1 year.

15 (2) On good cause shown by the Administration OR A LOCAL DESIGNEE
16 OF THE DEPARTMENT, the court may extend the time period for providing the
17 necessary treatment services in increments of 6 months.

18 (3) Except during the first 72 hours after [commitment] ADMISSION OF
19 A DEFENDANT ORDERED FOR TREATMENT UNDER THIS SECTION, the Director or a
20 designee of the Director, INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, may
21 terminate the [commitment] TREATMENT if the Director or the designee determines
22 that:

23 (i) Continued [commitment] TREATMENT is not in the best
24 interest of the individual; or

25 (ii) The individual is no longer amenable to treatment.

26 [(i)] (K) When an individual is to be released from a [commitment]
27 TREATMENT FACILITY under this section, the Director or the Director's designee,
28 INCLUDING A LOCAL DESIGNEE OF THE DEPARTMENT, shall [consult with] NOTIFY
29 the court [to determine if the individual is to be returned to the court].

30 [(j)] (L) In the event an individual [committed] ORDERED TO A TREATMENT
31 FACILITY under this section leaves a treatment facility without authorization, the
32 responsibility of the Department OR A LOCAL DESIGNEE OF THE DEPARTMENT is
33 limited to the notification of the court that [committed the individual] ORDERED THE
34 TREATMENT as soon as it is reasonably possible.

35 [(k)] (M) Nothing in this section imposes any obligation on the Administration
36 OR A LOCAL DESIGNEE OF THE DEPARTMENT:

1 (1) To treat any defendant who knowingly and willfully declines to
2 consent to further treatment; or

3 (2) In reporting to the court under this section, to include an assessment
4 of a defendant's dangerousness to one's self, to another individual, or to the property
5 of another individual by virtue of a drug or alcohol problem.

6 [(1)] (N) Any time served by a criminal defendant held for INPATIENT
7 evaluation or [committed] ORDERED for INPATIENT treatment shall be credited
8 against [the] ANY sentence imposed by the court.

9 SUBTITLE 6A. MARYLAND SUBSTANCE ABUSE FUND.

10 8-6A-01.

11 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND SUBSTANCE ABUSE
12 FUND.

13 (B) (1) THERE IS A MARYLAND SUBSTANCE ABUSE FUND.

14 (2) THE FUND IS A SPECIAL NONLAPSING FUND THAT IS NOT SUBJECT
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 (3) THE FUND CONSISTS OF THE FEE REQUIRED UNDER § 6-229 OF THE
17 CRIMINAL PROCEDURE ARTICLE, MONEYS APPROPRIATED IN THE STATE BUDGET TO
18 THE FUND, ALL EARNINGS FROM INVESTMENT OF MONEYS IN THE FUND, AND
19 OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND FROM A
20 GOVERNMENTAL OR PRIVATE SOURCE.

21 (4) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY.

22 (5) THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

23 (6) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
24 MANNER AS OTHER STATE FUNDS.

25 (7) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS
26 DIRECTED BY THE ADMINISTRATION OR AS APPROVED IN THE STATE BUDGET.

27 (8) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE
28 AUDITS UNDER § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

29 (C) THE FUND SHALL BE USED BY THE ADMINISTRATION FOR:

30 (1) PLANNING EXPENSES AND RELATED COSTS INCURRED BY LOCAL
31 DRUG AND ALCOHOL COUNCILS ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE;

32 (2) PLANNING EXPENSES AND RELATED COSTS INCURRED BY ANY
33 STATE UNIT DESIGNATED TO COORDINATE PLANNING BY LOCAL DRUG AND

1 ALCOHOL COUNCILS AND REVIEW GRANT REQUESTS FROM LOCAL GOVERNMENTS;
2 AND

3 (3) SUBSTANCE ABUSE EVALUATION AND TREATMENT SERVICES,
4 INCLUDING SERVICES PROVIDED THROUGH A DRUG TREATMENT COURT.

5 (D) (1) ADMINISTRATIVE EXPENDITURES UNDER THIS SECTION MAY BE
6 MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

7 (2) THE ADMINISTRATION SHALL ADMINISTER THE FUND IN
8 ACCORDANCE WITH THIS SECTION AND ALL OTHER APPLICABLE LAW.

9 (3) DISBURSEMENTS FROM THE FUND SHALL SUPPLEMENT AND MAY
10 NOT SUBSTITUTE FOR ANY OTHER FUNDS APPROPRIATED IN THE STATE BUDGET
11 FOR SUBSTANCE ABUSE EVALUATION AND TREATMENT SERVICES.

12 **Article - Transportation**

13 16-117.

14 (a) The Administration shall keep a record of:

15 (1) Each driver's license application that it receives;

16 (2) Each driver's license that it issues; and

17 (3) Each licensee whose license to drive the Administration has
18 suspended or revoked, and the reasons for the action.

19 (b) (1) The Administration shall file each accident report and abstract of
20 court disposition records that it receives under the laws of this State.

21 (2) The Administration shall keep convenient records or make suitable
22 notations showing the convictions or traffic accidents in which each licensee has been
23 involved and every probation before judgment disposition of any violation of the
24 Maryland Vehicle Law. A record or notation of a probation before judgment
25 disposition, A CHARGE DISMISSED BY THE STATE'S ATTORNEY ENTERING A NOLLE
26 PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR
27 POSTPONED INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE
28 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE DOCKET, or a first
29 offense of driving with an alcohol concentration of 0.08 or more under § 16-205.1 of
30 this title, shall be segregated by the Administration and shall be available only to the
31 Administration, the courts, criminal justice agencies, and the defendant or the
32 defendant's attorney. However, a record or notation of a probation before judgment, A
33 CHARGE DISMISSED BY NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR
34 ALCOHOL TREATMENT OR POSTPONED INDEFINITELY BY THE COURT MARKING THE
35 CHARGE STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT
36 ON THE DOCKET, or a first offense of driving with an alcohol concentration of 0.08 or
37 more under § 16-205.1 of this title, may not be received or considered by the courts

1 until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty
2 is made by the court.

3 (3) These records or notations shall be made so that they are readily
4 available for consideration by the Administration of any license renewal application
5 and at any other suitable time.

6 (4) Accident reports and abstracts of court convictions pertaining to
7 driving an emergency vehicle, if received by a person who was driving an emergency
8 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by
9 the Administration and shall be available only to the Administration.

10 (5) Except as provided in this section, an employee of the Administration
11 may not disclose any records or information regarding probation before judgment, or
12 a first offense of driving with an alcohol concentration of 0.08 or more under §
13 16-205.1 of this title.

14 (c) If a charge of a Maryland Vehicle Law violation against any individual is
15 dismissed by a court of competent jurisdiction, a record of the charge and dismissal
16 may not be included in the individual's driving record.

17 16-117.1.

18 (a) In this section, "criminal offense" does not include any violation of the
19 Maryland Vehicle Law.

20 (b) Except as provided in subsection (c) of this section and in Subtitle 8 of this
21 title, if a licensee applies for the expungement of the licensee's public driving record,
22 the Administration shall expunge the record if, at the time of application:

23 (1) The licensee does not have charges pending for allegedly committing
24 a moving violation or a criminal offense involving a motor vehicle; and

25 (2) (i) The licensee has not been convicted of a moving violation or a
26 criminal offense involving a motor vehicle for the preceding 3 years, and the licensee's
27 license never has been suspended or revoked;

28 (ii) The licensee has not been convicted of a moving violation or a
29 criminal offense involving a motor vehicle for the preceding 5 years, and the licensee's
30 record shows not more than one suspension and no revocations; or

31 (iii) Within the preceding 10 years:

32 1. The licensee has not been convicted of [nor], been granted
33 probation before judgment FOR, OR HAD A CHARGE DISMISSED BY NOLLE PROSEQUI
34 WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR POSTPONED
35 INDEFINITELY BY THE COURT MARKING THE CHARGE STET WITH THE
36 REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT for a violation of § 20-102
37 or § 21-902 of this article;

1 (C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LOCAL
2 DRUG AND ALCOHOL ABUSE COUNCIL SHALL CONSIST OF NOT MORE THAN 17 OF
3 THE FOLLOWING INDIVIDUALS:

4 (1) THE HEALTH OFFICER OF THE LOCAL HEALTH DEPARTMENT, OR
5 THE HEALTH OFFICER'S DESIGNEE;

6 (2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES,
7 OR THE DIRECTOR'S DESIGNEE;

8 (3) THE REGIONAL DIRECTOR OF THE DEPARTMENT OF JUVENILE
9 SERVICES, OR THE DIRECTOR'S DESIGNEE;

10 (4) THE REGIONAL DIRECTOR OF THE DIVISION OF PAROLE AND
11 PROBATION, OR THE DIRECTOR'S DESIGNEE;

12 (5) THE CHIEF OF THE COUNTY POLICE DEPARTMENT, IF THE COUNTY
13 HAS A POLICE FORCE, OR THE SHERIFF, IF THE COUNTY DOES NOT HAVE A POLICE
14 FORCE, OR THAT INDIVIDUAL'S DESIGNEE;

15 (6) THE PRESIDENT OF THE LOCAL BOARD OF EDUCATION, OR THE
16 PRESIDENT'S DESIGNEE;

17 (7) A REPRESENTATIVE OF THE COUNTY EXECUTIVE, THE MAYOR OF
18 BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IN
19 COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE;

20 (8) FOR CHARTER COUNTIES AND IN BALTIMORE CITY, A
21 REPRESENTATIVE OF THE COUNTY COUNCIL OR THE CITY COUNCIL IN BALTIMORE
22 CITY, APPOINTED BY THE CHAIRPERSON OR PRESIDENT OF THE COUNTY COUNCIL
23 OR CITY COUNCIL;

24 (9) THE COUNTY ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR
25 THE COUNTY, OR THE JUDGE'S DESIGNEE;

26 (10) THE ADMINISTRATIVE JUDGE OF THE DISTRICT COURT FOR THAT
27 DISTRICT, OR THE JUDGE'S DESIGNEE;

28 (11) THE FOLLOWING INDIVIDUALS APPOINTED BY THE COUNTY
29 EXECUTIVE, THE MAYOR OF BALTIMORE CITY, OR THE COUNTY COMMISSIONERS OR
30 COUNTY COUNCIL IN COUNTIES WITH NO COUNTY EXECUTIVE, AS APPROPRIATE:

31 (I) AT LEAST ONE RECIPIENT OF ADDICTIONS TREATMENT
32 SERVICES;

33 (II) AT LEAST ONE SUBSTANCE ABUSE TREATMENT PROVIDER;

34 (III) AT LEAST ONE SUBSTANCE ABUSE PREVENTION PROVIDER;

35 (IV) AT LEAST ONE INDIVIDUAL WHO IS KNOWLEDGEABLE AND
36 ACTIVE ON SUBSTANCE ABUSE ISSUES THAT AFFECT THE COUNTY;

1 (V) THE SUPERINTENDENT, WARDEN, OR DIRECTOR OF THE LOCAL
2 CORRECTIONAL FACILITY LOCATED IN THE COUNTY OR IN BALTIMORE CITY THE
3 WARDEN OF THE BALTIMORE CITY DETENTION CENTER; AND

4 (VI) AT LEAST ONE OTHER INDIVIDUAL WHO IS KNOWLEDGEABLE
5 ABOUT TREATMENT OF SUBSTANCE ABUSE IN THE COUNTY, INCLUDING MEMBERS
6 OF CIVIC ORGANIZATIONS, THE CHAMBER OF COMMERCE, HEALTH CARE
7 PROFESSIONAL ORGANIZATIONS, OR THE CLERGY.

8 (D) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (C)(11) OF
9 THIS SECTION IS 4 YEARS.

10 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY
11 THE TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON JULY 1, 2004.

12 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
13 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
15 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
16 AND QUALIFIES.

17 (E) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL:

18 (1) DETERMINE ITS OWN GOVERNING STRUCTURE, INCLUDING ISSUES
19 RELATING TO APPOINTMENT OF A MEMBER TO SERVE AS CHAIRMAN;

20 (2) DEVELOP AND SUBMIT A PLAN TO THE ADMINISTRATION AS
21 REQUIRED IN THIS SECTION;

22 (3) SUBMIT A SUMMARY REPORT TO THE GOVERNOR OR THE
23 GOVERNOR'S DESIGNEE ON OR BEFORE DECEMBER 1, 2004, ON ITS MEMBERSHIP,
24 ORGANIZATION, RULES, PROGRESS IN DEVELOPING A PLAN, AND COMPLIANCE WITH
25 THIS SECTION; AND

26 (4) (I) ON JULY 1, 2005, AND EVERY 2 YEARS THEREAFTER, SUBMIT A
27 LOCAL PLAN AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION TO THE GOVERNOR,
28 OR THE GOVERNOR'S DESIGNEE; AND

29 (II) REPORT EVERY 6 MONTHS TO THE ADMINISTRATION ON ITS
30 PROGRESS IN IMPLEMENTING THE PLAN.

31 (F) A LOCAL PLAN SHALL:

32 (1) INCLUDE THE PLANS, STRATEGIES, AND PRIORITIES OF THE COUNTY
33 FOR MEETING THE IDENTIFIED NEEDS OF THE GENERAL PUBLIC AND THE CRIMINAL
34 JUSTICE SYSTEM FOR ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND
35 TREATMENT SERVICES;

1 (2) INCLUDE A SURVEY OF ALL FEDERAL, STATE, LOCAL, AND PRIVATE
2 FUNDS USED IN THE COUNTY FOR ALCOHOL AND DRUG ABUSE EVALUATION,
3 PREVENTION, AND TREATMENT; AND

4 (3) BE IN A FORMAT AS PRESCRIBED BY THE ADMINISTRATION.

5 (G) (1) AFTER REVIEW OF AN APPLICATION OR GRANT PROPOSAL, THE
6 LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY RECOMMEND TO ANY FEDERAL OR
7 STATE UNIT OR PRIVATE FOUNDATION THAT AN APPLICATION FOR ANY FUNDS FOR
8 DRUG OR ALCOHOL ABUSE EVALUATION, PREVENTION, OR TREATMENT SERVICES IN
9 THE COUNTY BE APPROVED.

10 (2) (I) IN CONDUCTING A REVIEW UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION, A LOCAL DRUG AND ALCOHOL ABUSE COUNCIL SHALL CONSIDER
12 WHETHER THE GRANT APPLICATION IS CONSISTENT WITH THE LOCAL PLAN AND
13 THE STRATEGIES AND PRIORITIES SET OUT IN THE LOCAL PLAN.

14 (II) A RECOMMENDATION BY A LOCAL DRUG AND ALCOHOL ABUSE
15 COUNCIL MAY INCLUDE ANY ADDITIONAL INFORMATION THE COUNCIL CONSIDERS
16 USEFUL TO THE GOVERNMENTAL UNIT OR PRIVATE FOUNDATION IN ITS
17 CONSIDERATION OF THE APPLICATION.

18 (H) A STATE UNIT MAY NOT APPROVE AN APPLICATION FROM A COUNTY OR
19 UNIT OF A COUNTY FOR FUNDS FOR ANY ALCOHOL OR DRUG ABUSE EVALUATION,
20 PREVENTION, OR TREATMENT SERVICES WITHIN THAT COUNTY UNLESS THE
21 APPLICATION HAS BEEN SUBMITTED FOR REVIEW TO THE LOCAL DRUG AND
22 ALCOHOL ABUSE COUNCIL.

23 (I) THE LOCAL DRUG AND ALCOHOL ABUSE COUNCIL MAY SUBMIT
24 RECOMMENDATIONS TO THE COUNTY OR THE ADMINISTRATION REGARDING
25 LEGISLATION OR PROGRAMS THAT MAY BE APPROPRIATE TO THE IMPROVEMENT OF
26 ALCOHOL AND DRUG ABUSE EVALUATION, PREVENTION, AND TREATMENT
27 SERVICES.

28 (J) THE ADMINISTRATION MAY PROVIDE A LOCAL DRUG AND ALCOHOL
29 ABUSE COUNCIL WITH ANY NECESSARY TECHNICAL ASSISTANCE AND ANY FUNDS
30 THAT MAY BE AVAILABLE FOR OPERATION OF THE COUNCIL.

31 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
32 members of a local Drug and Alcohol Abuse Council appointed under § 8-1001(c)(11)
33 of the Health - General Article of the Annotated Code of Maryland shall expire as
34 follows:

35 (1) One member in 2005;

36 (2) One member in 2006;

37 (3) One member in 2007; and

38 (4) The remaining members in 2008.

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
2 take effect July 1, 2004.

3 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
4 Section 4 of this Act, this Act shall take effect October 1, 2004.